

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JUSTIN BERNARD and AMANDA BERNARD,
HIS WIFE

NO. 17-CV-02361

V.

GIBRALTAR INDUSTRIES and
AIR VENT, INC.

FILED
SCRANTON

FFR 28 2018

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**STIPULATION OF DISMISSAL WITHOUT PREJUDICE AS TO
DEFENDANT, GIBRALTAR INDUSTRIES SOLELY**

Pursuant to Rule 41(a)(1)(ii), it is hereby agreed between counsel for all parties that Defendant, Gibraltar Industries, only, is dismissed without prejudice. Plaintiffs represent that the attic fan, Model SC8BL, in photographs marked Figures 1, 2 and 4 attached to the May 23, 2017 expert report of Stephan B. Wilcox, is the actual fan that caused Plaintiff's alleged injuries and that he alleges is defective. Based on this representation, it is agreed by and between undersigned counsel that Air Vent, Inc., solely developed, designed, manufactured, fabricated, assembled, produced, inspected, marketed, sold and delivered and placed into the stream of commerce this Air Vent solar powered roof mounted attic fan Model SC8BL, identified in Plaintiff's Complaint.

Although Air Vent, Inc., is owned by Gibraltar Industries, Air Vent, Inc., operates independently as a separate incorporated entity. It is further agreed that Gibraltar Industries played no role in the design, manufacture, marketing or placing into the stream of commerce the model fan referenced in Plaintiffs Complaint and this Stipulation.

BARATTA, RUSSELL & BARATTA

BY:

ANTHONY J. BARATTA, ESQUIRE
Attorney for Plaintiff

DATED:

2/23/18

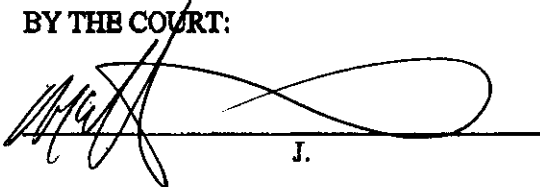
BRADEN, VARNER & ANGELLEY, P.C.

BY:


ROBERT VARNER, ESQUIRE
Attorney for Defendant, Air Vent, Inc.

DATED: 2/23/18

BY THE COURT:


J.

Dated : 2/27/18